

Remarks

Applicants note with appreciation the allowance of claims 1 – 3, 5, 6, 8 – 11, 13, 14 and 17.

Regarding the remaining claims, Applicants have canceled claim 4 and 17. Claims 7, 12 and 13 have been amended to provide antecedent basis for “binder”. Claim 15 now properly recites the Brookfield viscosity. Claim 15 and 16 have been amended to recite that the anti-wear agent comprises aliphatic carboxylic acids and aliphatic polyamides. These amendments are not the addition of new matter. Accordingly, Applicants respectfully ask that the Examiner enter the amendments.

Applicants respectfully traverse the rejection of claims 4, 7, 12 and 15 under 35 U.S.C. §112, second paragraph. Canceling claim 14 and the amendments to claims 7, 12, 13 and 15 obviates this rejection. Claim 15 now properly recites the Brookfield viscosity of the sealer base. Accordingly, Applicants respectfully ask that the rejection be withdrawn.

Applicants respectfully traverses the rejection of claims 15 – 16 under 35 U.S.C. §112, first paragraph. Amended claims 15 and 16 now recite an anti-wear agent comprising aliphatic carboxylic acids and aliphatic polyamides, thereby obviating this rejection. Therefore, Applicants respectfully ask that this rejection be withdrawn.

Applicants also respectfully traverse the rejections of: claims 15 and 16 under 35 U.S.C. §103(a) over US 6,367,809; and claims 15 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over US 6,383,365.

Claims 15 and 16 as amended patentably distinguish over US 6,383,365 and US 6,367,809 in the recitation of an anti-wear agent comprising aliphatic carboxylic acids and aliphatic polyamides.

The instant specification provides convincing evidence that use of an anti-wear agent comprising aliphatic carboxylic acids and aliphatic polyamines provides unexpectedly improved wear characteristics to sealer bases and the sealer emulsions comprising them.

Accordingly, Applicants respectfully ask that the rejections under 35 U.S.C. §103 be withdrawn.

Therefore, Applicants respectfully submit that claims 1 – 3 and 4 – 16 as amended are in condition for allowance and respectfully ask that the Examiner pass the claims to issue.

Respectfully submitted,

EMCH, SCHAFFER, SCHAUB  
& PORCELLO CO., L.P.A.

By: 

Patrick P. Pacella  
Reg. No. 25,463

P.O. Box 916  
Toledo, Ohio 43697  
Ph: (419) 243-1294  
Fax (419) 243-8502